

### REMARKS

This application has been carefully reviewed in light of the Official Action mailed on January 24, 2007. Claim 18 is amended above. Claims 18 – 20 are now pending in this case. Applicant respectfully requests reconsideration of this application and favorable action on all remaining claims in this case in view of the following remarks.

In the Official Action, the Examiner rejected claims 18 – 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,318,934 to Borgersen ("Borgersen"). Amended claim 18 requires, in a retaining wall block adapted for assembly into a retaining wall,

- (a) left, right, front, and rear body portions;
- (b) an interior space defined by said left, right, front, and rear body portions;
- (c) at least one alignment element extending vertically from a top surface of said block, said alignment element adapted to be removably received within said interior space of said block; and**
- (d) at least one groove adapted to receive said stabilizing element, said groove extending laterally rearward of the front body portion and forward of the rear body portion or laterally between the left and right body portions;
- (e) wherein said block is adapted to be placed on a flat surface without need for preparation of said flat surface or modification of said block.**

(emphasis added). As disclosed in the subject application, such a retaining wall block provides an easy to make and easy to use component for retaining walls which does not requires the time and expense of preparing the underlying support surface. *See* subject specification, page 7, lines 15-25.

Borgersen does not disclose "at least one alignment element extending vertically from a top of said block adapted to be received within the interior cavity of the block" as required by limitation (c) of amended claim 18. In contrast, Borgersen contains no disclosure whatsoever regarding limitation (c) of amended claim 18. Furthermore, Borgersen does not disclose that the block is "adapted to be placed on a flat surface without need for preparation of the flat surface or modification of the block." In contrast, Borgersen discloses a flange (18) present on a bottom surface (30) of the block (12). *See* Borgersen, Figure 1; column 6, line 33-36. Such a device clearly fails to satisfy the requirements or provide the benefits set forth in limitation (e) of

amended claim 18. For at least these reasons, amended claim 18, and claims 19-20 depending therefrom, is novel over Borgersen.

In addition, there is no suggestion in the prior art to modify the teachings of Borgersen so as to reach the requirements of amended claim 18, much less its associated benefits. Absent such suggestion, any such modification would necessarily be based on the improper hindsight application of Applicant's own teachings. For this additional reason, claims 18-20 are patentable over Borgersen.

In view of the foregoing amendments and remarks, Applicant believes the pending application is in condition for allowance. A Notice to that effect is respectfully requested.

Dated: July 20 - 2007

Respectfully submitted

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